

State Water Resources Control Board

Division of Drinking Water

April 18, 2018

System No. 3500923

Mr. Garrett Haertel, Deputy District Engineer
San Benito County Water District
30 Mansfield Road
Hollister, CA 95024

CITATION NO. 02_05_18C_009

TOTAL TRIHALOMETHANES PRIMARY DRINKING WATER STANDARD VIOLATION FOR FIRST QUARTER 2018 - FAIRVIEW ROAD WATER SYSTEM

Enclosed is Citation No. 02_05_18C_009 (hereinafter "Citation"), issued to the Fairview Road (hereinafter "Fairview Rd."), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Fairview Rd. water system will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately two hours on enforcement activities associated with this violation.

The Fairview Rd. water system will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Fairview Rd. water system for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when

the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Querube Moltrup of my staff at (831) 655-6936 or me at (831) 655-06934.

Sincerely,



Jan. R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008 1830 0004 5435 3036

Cc by email: San Benito County Environmental Health Department

Lloyd Bracewell, Principal Engineer
Bracewell Engineering
Lloyd@Bracewellengineering.com

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Fairview Road Water System

Water System No: 3500923

Attention: Garrett Haertel, Deputy District Engineer
30 Mansfield Road
Hollister, CA 95024

Issued: April 18, 2018

**CITATION FOR NONCOMPLIANCE WITH
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a)**

**VIOLATION OF PRIMARY DRINKING WATER STANDARD FOR
TOTAL TRIHALOMETHANES
FIRST QUARTER 2018**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC,

1 Division 104, Part 12, Chapter 4, commencing with Section 116270), or any
2 regulation, standard, permit, or order issued or adopted thereunder.

3
4 The State Water Board, acting by and through its Division of Drinking Water
5 (hereinafter "Division"), and the Deputy Director for the Division, hereby
6 issues Citation No. 02_05_18C_009 (hereinafter "Citation"), pursuant to
7 Section 116650 of the CHSC to the Fairview Road Water System (hereinafter
8 "Fairview Rd. water system"), for violation of Section 116555(a)(1) and
9 California Code of Regulations (hereinafter "CCR"), Title 22, Section
10 64533(a).

11
12 A copy of the applicable statutes and regulations are included in Appendix 1,
13 which is attached hereto and incorporated by reference.

14 15 **STATEMENT OF FACTS**

16 The Fairview Rd. water system is classified as a community public water
17 system with a population of 33, serving 10 connections. The Fairview Rd.
18 water system operates under Domestic Water Supply Permit No. 02-05-
19 07(P)-3500923, issued on April 17, 2007.

20
21 CHSC, Section 116555(a)(1) requires all public water systems to comply with
22 primary drinking water standards as defined in CHSC, Section 116275(c).
23 Primary drinking water standards include maximum levels of contaminants
24 and the monitoring and reporting requirements as specified in regulations
25 adopted by the State Water Board that pertain to maximum contaminant
26 levels (hereinafter "MCLs").

Pursuant to CCR, Title 22, Section 64534.2(d)(5), Fairview Rd. water system is required to collect one dual distribution system sample per quarter (taken every 90 days) for total trihalomethanes (hereinafter "TTHM"). Under CCR, Title 22, Section 64535.2(e)(1), compliance with the TTHM maximum contaminant level (MCL) of 0.080 mg/L (80 ug/L) is based on a locational running annual average (hereinafter "LRAA") calculated quarterly, for each monitoring location.

A summary of the Fairview Rd. water system TTHM results at its approved sample location (6540 Fairview Road) is presented in Table 1. All results are as reported to the State Water Board by the laboratory that performed the analysis.

Table 1: TTHM Results in ug/L

<i>Site: 6540 Fairview Road</i>		<i>5/18/2017</i>	<i>8/7/2017</i>	<i>11/6/2017</i>	<i>2/7/2018</i>
		<i>2Q2017</i>	<i>3Q2017</i>	<i>4Q2017</i>	<i>1Q2018</i>
<i>TTHM</i>	<i>Result</i>	<i>91.55</i>	<i>0.0</i>	<i>69.28</i>	<i>230.20</i>
	<i>LRAA</i>				97.76

LRAA = Locational Running Annual Average

Example of LRAA Calculation: $(1Q2017+2Q2017+3Q2017+4Q2017)/4$

Bold indicates exceedance of MCL based on LRAA

CCR, Title 22, Section 64535.2(e)(1) specifies: for systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in Section 64533 (i. e., 80 ug/L for TTHM and 60 ug/L for HAA5).

1 The TTHM LRAA for the first quarter of 2018 for the 6540 Fairview Road
2 sampling location is 97.76 ug/L, which exceeds the TTHM MCL of 80 ug/L.

3
4 The Fairview Rd. water system was previously issued Citation No.
5 02_05_14C_010_3500923_02, on June 30, 2014, for exceeding the TTHM
6 MCL based on the LRAA at 6540 Fairview Road sample location during the
7 second quarter of 2014. The Fairview Rd. water system returned to
8 compliance in the third quarter of 2014 based on the LRAA.

9
10 In addition, the Fairview Rd. water system was issued Compliance Order No.
11 02_05_16R_001_3500923_02, on August 22, 2016, for exceeding the TTHM
12 MCL based on the LRAA at 6540 Fairview Road during the second quarter in
13 2016. The Fairview Rd. water system returned to compliance in the second
14 quarter of 2017 based on the LRAA.

15 16 **DETERMINATION**

17 Based on the above Statement of Facts, the State Water Board has
18 determined that the Fairview Rd. water system has violated CHSC, Section
19 116555 and CCR, Title 22, Section 64533(a) in that the Fairview Rd. water
20 system failed to comply with the MCL for TTHM at the 6540 Fairview Road
21 sample location during the first quarter of 2018. For a public water system
22 monitoring quarterly, each LRAA, computed quarterly, shall not exceed the
23 MCL of 80 ug/L for TTHM. The State Water Board further has determined
24 that said violation has continued through the date of this citation.

DIRECTIVES

The Fairview Rd. water system is hereby directed to take the following actions:

1. On or before **September 30, 2020**, comply with the MCL for TTHM as specified in CCR, Title 22, Sections 64533(a) and 64535.2(e)(1) and remain in compliance.
2. On or before **May 10, 2018**, notify all persons served by the Fairview Rd. water system of the violation of CCR, Title 22, Section 64533(a). Provide public notification in accordance with CCR, Title 22, Sections 64463, 64463.4 and 64465, including the language in appendix 64465-G. Copies of these Sections are included in Appendix 1. Appendix 2: **Notification Template** must be used to fulfill this Directive, unless otherwise approved by the State Water Board. The notification must be completed in accordance with the following:
 - a. By mail or direct delivery of the Public Notification to each customer served by the water system and;
 - b. By one of the following secondary methods to reach persons not likely to be reached by mail or direct delivery:
 - By publication in a local newspaper, by delivery to community organizations or by posting in conspicuous public places served by the water system or on the internet. If the water system opts to issue the notice via posting, the public notice shall remain posted for as long as the violation continues.

- 1 3. The Fairview Rd. water system must provide **quarterly** public
2 notification to all customers and water users for the TTHM MCL
3 violation for as long as the violation continues. Quarterly public
4 notification must be provided during any calendar quarter that the
5 LRAA exceeds the MCL for TTHM. Notification must be provided
6 within 30 days after the water system becomes aware of the violation.
7 The notification shall be completed by the methods specified in
8 Directive 2 of this Citation.
9
- 10 4. The Fairview Rd. water system must submit the Public Notification to
11 the State Water Board for approval prior to distribution.
12
- 13 5. Complete Appendix 3: **Compliance Certification Form**. Submit it
14 together with a copy of the Public Notification required by Directive 2
15 to the State Water Board on or before **May 30, 2018**. In addition, the
16 Compliance Certification Form must be submitted to the State Water
17 Board within 10 days following completion of any future Public
18 Notification required in Directive 3 of this Citation.
19
- 20 6. The Fairview Rd. water system must conduct an operational evaluation
21 in accordance with CCR, Title 22, Section 64534.2(d)(6) and submit a
22 written report of the evaluation to the State Water Board by **July 10,**
23 **2018**. The operational evaluation must include the examination of
24 system treatment and distribution operational practices, including
25 storage tank operations, excess storage capacity, distribution system
26 flushing, changes in sources or source water quality, and treatment
27 changes or problems that may contribute to TTHM and HAA5 formation
28 and what steps could be considered to minimize future exceedances.

1 7. By **July 10, 2018**, the Fairview Rd. water system must submit to the
2 State Water Board for review and approval a corrective action plan that
3 describes proposed improvements to the water system designed to
4 correct the TTHM MCL violation and ensure that the Fairview Rd. water
5 system delivers water to consumers that meets all primary drinking
6 water standards. The corrective action plan must be based on the
7 findings and recommendations of the operational evaluation required
8 in Directive 6 of the Citation. The corrective action plan must include
9 a time schedule for completion of each of the tasks specified in the
10 plan. The project tasks must include, but are not limited to, planning,
11 design, construction, completing an operations plan, and startup, and
12 must show a completion date no later than **September 30, 2019**.

13
14 The Fairview Rd. water system must complete the approved corrective
15 action plan, and each element of said plan, according to the time
16 schedule set forth therein.

17
18 8. On or before **September 30, 2019**, the Fairview Rd. water system must
19 complete all tasks listed in the approved corrective action plan.

20
21 9. The Fairview Rd. water system must submit to the State Water Board
22 **quarterly** progress reports in writing summarizing the progress to date
23 in the implementation of the approved corrective action plan requested
24 in Directive 7. The progress reports are due by the tenth day of the
25 month following the end of each calendar quarter. The progress
26 reports are due on the following dates: **July 10, October 10, January**
27 **10, and April 10** of each year until the proposed solution has been fully
28 implemented and the Fairview Rd. water system has returned to

1 compliance with the primary drinking water standard for TTHM. The
2 first quarterly progress report is due on **October 10, 2018**.

3
4 10. The Fairview Rd. water system shall continue to collect **quarterly**
5 samples for TTHM and HAA5 at the approved sample location (6540
6 Fairview Road) in accordance with the approved Disinfection
7 Byproducts Compliance Monitoring Plan and ensure that the analytical
8 results are reported to the State Water Board electronically by the
9 analyzing laboratory no later than the 10th day following the month in
10 which the analysis was completed.

11
12 11. No later than **September 30, 2020**, the Fairview Rd. water system
13 must comply with CCR, Title 22, Section 64533(a), specifically the
14 Fairview Rd. water system must comply with the TTHM MCL at the
15 approved distribution system monitoring location. Compliance with the
16 TTHM MCL will be determined based on the locational running annual
17 average of four consecutive quarterly samples.

18
19 All submittals required by this Citation shall be electronically submitted to the
20 State Water Board at the following address. The subject line for all electronic
21 submittals corresponding to this Citation shall include the following
22 information: Water System name and number, citation number and title of the
23 document being submitted.

24
25 Jan R. Sweigert, P.E.
26 District Engineer, Monterey District Office
27 Dwpdist05@waterboards.ca.gov
28

1 The State Water Board reserves the right to make modifications to this
2 Citation as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Citation and shall be
4 effective upon issuance.

5
6 Nothing in this Citation relieves the Fairview Rd. water system of its obligation
7 to meet the requirements of the California SDWA (CHSC, Division 104, Part
8 12, Chapter 4, commencing with Section 116270), or any regulation,
9 standard, permit or order issued or adopted thereunder.

11 **PARTIES BOUND**

12 This Citation shall apply to and be binding upon the Fairview Rd. water
13 system, its owners, shareholders, officers, directors, agents, employees,
14 contractors, successors, and assignees.

16 **SEVERABILITY**

17 The directives of this Citation are severable, and the Fairview Rd. water
18 system shall comply with each and every provision thereof notwithstanding
19 the effectiveness of any provision.

21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the State Water Board to: issue a citation or
23 order with assessment of administrative penalties to a public water system for
24 violation or continued violation of the requirements of the California SDWA or
25 any regulation, permit, standard, citation, or order issued or adopted
26 thereunder including, but not limited to, failure to correct a violation identified
27 in a citation or compliance order. The California SDWA also authorizes the
28 State Water Board to take action to suspend or revoke a permit that has been

1 issued to a public water system if the public water system has violated
2 applicable law or regulations or has failed to comply with an order of the State
3 Water Board, and to petition the superior court to take various enforcement
4 measures against a public water system that has failed to comply with an
5 order of the State Water Board.

6
7 The State Water Board does not waive any further enforcement action by
8 issuance of this Citation.

9
10 Jan R. Sweigert
11 Jan R. Sweigert, P.E.
12 District Engineer, Monterey District Office
13 Northern California Field Operations Branch
14 Division of Drinking Water

4/18/2018
Date



15
16
17
18 Appendices (3):

- 19
20 1. Applicable Statutes and Regulations
21 2. Public Notification Template
22 3. Compliance Certification Form

23
24 Certified Mail No. 7008 1830 0004 5435 3036

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 02_05_18C_009
VIOLATION OF PRIMARY DRINKING WATER STANDARD FOR
TOTAL TRIHALOMETHANES**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271. Transition of CDPH duties to State Board states in relevant part

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275. Definitions states in relevant part:

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555. Operational requirements states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650. Citations states:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be

deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701. Petitions to Orders and Decisions states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations (CCR), Title 22:

Section 64463. General Public Notification Requirements states:

(a) Each public (community, nontransient-noncommunity and transient-noncommunity) water system shall give public notice to persons served by the water system pursuant to this article.

(b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.

(c) Each wholesaler shall give public notice to the owner or operator of each of its retailer systems. A retailer is responsible for providing public notice to the persons it serves. If the retailer arranges for the wholesaler to provide the notification, the retailer shall notify the State Board prior to the notice being given.

(d) Each water system that has a violation of any of the regulatory requirements specified in section 64463.1(a), 64463.4(a), or 64463.7(a) in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may limit distribution of the notice to only persons served by that portion of the system that is out of compliance, if the State Board has granted written approval on the basis of a review of the water system and the data leading to the violation or occurrence for which notice is being given.

(e) Each water system shall give new customers public notice of any acute violation as specified in section 64463.1(a) that occurred within the previous thirty days, any continuing violation, the existence of a variance or exemption, and/or any other ongoing occurrence that the State Board has determined poses a potential risk of adverse effects on human

health [based on a review of estimated exposures and toxicological data associated with the contaminant(s)] and requires a public notice. Notice to new customers shall be given as follows:

- (1) Community water systems shall give a copy of the most recent public notice prior to or at the time service begins; and
- (2) Noncommunity water systems shall post the most recent public notice in conspicuous locations for as long as the violation, variance, exemption, or other occurrence continues.

Section 64463.4. Tier 2 Public Notice states:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
- (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

Section 64465. Public Notice Content and Format states:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

- (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-G (Health Effects Language) states in relevant part:
Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals**

Contaminant	Health Effects Language
TTHMs [Total Trihalomethanes]	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.

Section 64533. Maximum Contaminant Levels for Disinfection Byproducts states in relevant part:

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A
Maximum Contaminant Levels and Detection Limits for
Purposes of Reporting Disinfection Byproducts

<u>Disinfection Byproduct</u>	<u>Maximum Contaminant Level (mg/L)</u>	<u>Detection Limit for Purposes of Reporting (mg/L)</u>
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010

Section 64534.2. Disinfection Byproducts Monitoring states in relevant part:

(d)(5) Systems that are required to monitor at a particular location annually or less frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase monitoring to dual sample sets once per **quarter** (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

Section 64534.2. Operational Evaluation states in relevant part:

(d)(6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5 at any monitoring location, systems shall conduct an operational evaluation. The operational evaluation shall include the examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances. Systems that are able to identify the cause of the OEL exceedance may submit a written request to the State Board to limit the scope of the evaluation. The request to limit the scope of the evaluation shall not extend the schedule in section 64537(d) for submitting the written report to the State Board;

Section 64535.2. Determining Disinfection Byproducts Compliance states in relevant part:

- (e) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d), shall be determined as follows:
- (1) For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in Section 64533;
 - (4) If the LRAA exceeds the MCL, calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters), the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

Section 64537. Operational Evaluation Reporting and Recordkeeping Requirements states in relevant part:

(d) Systems required to conduct an operational evaluation pursuant to section 64534.2(d)(6) shall submit a written report of the evaluation to the State Board no later than **90 days** after being notified of the analytical result that caused the OEL exceedance. Systems shall make the written report available to the public upon request. If the State Board approves the system's written request to limit the scope of the evaluation under section 64534.2(d)(6), the system shall keep the written approval with the completed report.

APPENDIX 2. – NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

[Insert Water System Name] has levels of Total Trihalomethanes Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on [Insert the date the water system received the results] show that our system exceeds the standard, or maximum contaminant level (MCL), for Total Trihalomethanes. The MCL standards for Total Trihalomethanes are 80 ug/L. The average level of Total Trihalomethanes over the last year was [Insert the running annual average for TTHM result in ug/L].

What should I do?

- **Continue to boil all tap water before using it for drinking or cooking.** Bring all water to a boil, let it boil for one (1) minute, and let it cool before using, **or use bottled water.** Boiled or bottled water should be used for drinking and food preparation until further notice.
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action] _____

We anticipate resolving the problem within _____.

For more information, please contact [Insert contact name] at [Insert contact phone number] or at the following mailing address: [Insert mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the [Insert Water System Name] water system.

State Water System ID#: [Insert public water system number] Date distributed: [Insert date].

APPENDIX 2. – NOTIFICATION TEMPLATE (SPANISH)

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable, por favor léalo bien.

El agua de [Insert Water System Name] tiene niveles de Trihalometanos Totales (THMT) que exceden el Estándar para Agua Potable

Recientemente se determinó que nuestro sistema de agua estaba en exceso del estándar para un contaminante. Aunque esto no es una emergencia, usted como nuestro cliente, tiene el derecho de saber qué debe hacer, qué pasó, y qué estamos haciendo para corregir esta situación.

Hacemos monitoreo rutinariamente para detectar la presencia de contaminantes en el agua potable. Los resultados de las pruebas que recibimos en [Insert the date the water system received the results] muestran que nuestro sistema de agua excede el estándar, o nivel máximo de contaminantes (MCL), para Trihalometanos Totales (THMT). El estándar o MCL para Trihalometanos Totales es de 80 microgramos por litro (ug/L). El nivel promedio de Trihalometanos Totales (THMT) para el año pasado fue [Insert the running annual average for TTHM result in ug/L].

¿Qué debe hacer usted?

- Continúe hirviendo toda el agua del grifo antes de usarla para beber o cocinar. Ponga a hervir toda el agua, déjela hervir durante un (1) minuto, y déjela enfriar antes de usarla, o use agua embotellada. Se debe usar agua hervida o embotellada para beber y preparar alimentos hasta nuevo aviso.
- Este no es un riesgo inmediato. Si lo hubiera sido, usted hubiera sido notificado de inmediato. No obstante, *algunas personas que a lo largo de muchos años usan agua que contiene trihalometanos en exceso del nivel máximo de contaminantes (MCL), pueden experimentar problemas del hígado, del riñón, o del sistema central nervioso, y su riesgo de que les de cáncer puede aumentar.*
- Si tiene otros problemas de salud respecto al consumo de esta agua, tal vez usted deba consultar con su doctor.

¿Qué pasó? ¿Qué se hizo al respecto?

[Describe corrective action] _____

Anticipamos arreglar el problema dentro de _____.

Para más información, contacte a [Insert contact name] _____ al [Insert contact phone number] o a la siguiente dirección postal: [Insert mailing address].

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- ESCUELAS: Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).
- DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.
- DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso está siendo enviado por el sistema de agua [Insert Water System Name].

Núm. de Identificación del Sistema Estatal de Agua: [Insert public water system number]

Fecha de distribución: [Insert date].

APPENDIX 3 – COMPLIANCE CERTIFICATION**Citation Number:** 02_05_18C_009**Name of Water System:** Fairview Road Water System**System Number:** 3500923**Certification**

I certify that the users of the water supplied by the Fairview Road Water System were notified of the TTHM maximum contaminant level violation of California Code of Regulations, Title 22, Section **64533(a)** for the compliance period of (calendar quarter and year) _____ and the required actions listed below were completed.

Required Action**Date Completed**

Public Notification – Mail or Direct Delivery

Public Notification – List 2nd method used:

Signature of Water System Representative_____
Date***** Attach a copy of the notice posted and distributed. *****

***THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,
DIVISION OF DRINKING WATER, WITHIN 10 DAYS AFTER COMPLETING THE PUBLIC
NOTIFICATION***

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.